



COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

As below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

Lithium Battery and Electrode

the specification of which

- is attached hereto
- was filed on March 23, 1999 as International Patent Application PCT/EP99/01943 and including all the amendments through the date hereof.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s) for which Priority is Claimed:

United States of America, 52366/09 of March 31, 1998

And I hereby appoint

Rudolf E. Hutz, Reg.No. 22,397; Harold Pezzner, Reg.No. 22,112; Richard M. Beck, Reg.No. 22,580; Paul E. Crawford, Reg.No. 24,397; Thomas M Meshbesher, Reg.No. 25,083; Robert G. McMorrow, Jr., Reg.No. 30,962; Patricia Smink Rogowski, Reg.No. 33,791; Ashley I. Pezzner, Reg.No. 35,646; William E. McShane, Reg. 32,707; James T. Moore, Reg. No. 35,619; Mary W. Bourke, Reg.No. 30,982; Gerard M. O'Rourke, Reg.No. 39,794; Christine M. Hansen, Reg.No. 40,634; Allan N. Kutzenko, Reg. No. 38,945; James M. Olsen, Reg.No. 40,408; Francis DiGiovanni, Reg.No. 37,310; Frank Z. Yang, Reg. No. 35,417; Eric J. Vain, Reg.No. 42,517; Daniel C. Mulveny, Reg.No. P-45,897; and Elliot C. Mendelson, Reg.No. 42, 878
 all of CONNOLLY AND HUTZ, P.O.Box 2207, Wilmington, Delaware 19899-2007, my attorneys with full power of substitution, to prosecute this application, and transact all business in the Patent and Trademark Office connected therewith and I hereby request that all correspondence in this application be directed to:

**CONNOLLY AND HUTZ
 P.O.Box 2207
 Wilmington, Delaware 19899
 Telephone (302) 658-9141**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

INVENTOR(S) / Residence

9932 Ridgemore Drive, Charlotte NC 28277, USA

1) Shizuo Ogura, ~~3-31-25, Kamiigusa, Saginami-ku, Tokyo, Japan~~ S.O.

Signature: Shizuo Ogura Date: 1/16/2001

2) Hidehisa Mokudai, 1726, Maginu, Miyamea-Ku, Kawasaki-shi, Kanagawa-ken, Japan

Signature: _____ Date: _____

3) Makoto Murata, 2-4-6-508, Fujimi, Tsurugashima-shi, Saitama-ken, Japan

Signature: _____ Date: _____

4) Barrie Linton Davies, 726 Skytop Road, Waxhaw, N.C. 28173-9329, USA

Signature: Barrie Linton Davies Date: May 8, 2001

2) 1) & 4) USA

The inventors are citizens of ~~4~~ - 3) Japan; ~~4~~ USA S.O.

Post Office Address of all Inventors:

Axiva GmbH
Patente
Industriepark Höchst, Geb. K801
65926 Frankfurt
Germany

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2) Hidehisa Mokudai, 1726, Maginu, Miyamea-Ku, Kawasaki-shi, Kanagawa-ken, Japan

Signature: Hidehisa Mokudai Date: 6/23/2001

3) Makoto Murata, 2-4-6-508, Fujimi, Tsurugashima-shi, Saitama-ken, Japan

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Germany

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PATENT & TRADEMARK OFFICE

PATENTS ONLY

To the Honorable Commissioner of Patents and Trademarks, Please record the attached original documents or copy thereof

1. Name of conveying party(ies):

Shizuo Ogura, Hidehisa Mokudai, Makoto Murata and Barrie Linton Davies

Additional name(s) of conveying party(ies) attached? Yes No

3. Nature of conveyance:

Assignment Merger
 Security Agreement Change of Name
 Other

Execution Date: 1/16/01; 6/23/01; 5/8/01 and 5/8/01 respectively

2. Name and address of receiving party (ies):

Name: Axiva GmbH

Address: 65926 Frankfurt, Germany

City: State: Zip
Additional name(s) address(es) attached? Yes No

4. Application number (s) or patent number (s): 09/846,310

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Ashley I. Pezzner

Internal Address: CONNOLLY BOVE LODGE & HUTZ LLP

Street Address: P.O. BOX 2207

City: WILMINGTON State: DE Zip: 19899

6. Total Number of applications and patents involved: (1)

7. Total Fee (37 CFR 3.41) \$40.00

 Enclosed

Authorized to be charged to deposit account

8. Deposit account number: 03-2775 (If any additional fee is required)

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9. Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Ashley I. Pezzner

Name of Person Signing Reg. No. 35,646

Signature

7/11/01

Date

Attorney Docket #: 98/F-130 (8577*24) Total number of pages including cover sheet, attachments and document: 4

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ASSIGNMENT

For valuable consideration, the receipt and adequacy of which is hereby acknowledged,

I/we

9932 Ridgemore Drive, Charlotte NC 28277, USA

- 1) Shizuo Ogura, ~~3-31-25, Kamigusa, Suginami-Ku, Tokyo, Japan~~ S.O.
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2) 1) & 4) USA

Inventor(s) is/are citizen(s) of: ~~4~~-3) Japan; ~~4~~ USA
S.O. S.O.

hereby sell, assign, and transfer unto Axiva GmbH

a corporation organized under the laws of Germany
located at 65926 Frankfurt, Germany,

the entire right, title and interest in and to my/our application for Letters Patent of
the United States, executed concurrently herewith /

Ser.-No.:

filed:

entitled: **Lithium Battery and Electrode**

and my/our entire right, title, and interest in and to all my/our inventions disclosed in said application for Letters Patent, and in and to all divisional or continuation applications that may be filed for United States Letters Patent for any of said inventions, and in and to all patents that may be granted on the foregoing applications, and I/we hereby agree, whenever requested, to communicate to said assignee, its successors and assigns, any facts known to me/us respecting said inventions, to testify in any legal proceeding, and to execute all applications or papers necessary to obtain and maintain proper patent protection on said inventions in the United States.

Inventor(s):

1st: Shizuo Ogura Date: 1/16/2001
B.S.D

2nd: Barrie Linton Davies Date: 5/8/2001 B.S.D

3rd: _____ Date: _____

4th: Barrie Linton Davies Date: 5/8/2001 B.S.D

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Inventor(s):

1st: Shizuo Ogura Date: 1/16/2001

2nd: Hidehisa Mokudai Date: 6/23/2001

3rd: _____ Date: _____

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2nd: _____ Date: _____

3rd: Makoto Murata Date: May 8, 2001

4th: _____ Date: _____